

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11 - 3849 PSG (PJWx)	Date	October 3, 2012
Title	<i>Chris Vasquez, et al. v. County of Los Angeles, et al.</i>		

Present:	The Honorable Philip S. Gutierrez, United States District Judge
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Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings: (In Chambers): Order to Show Cause why the Court should not grant summary judgment as to the non-joined Defendants and dismiss the case for lack of subject matter jurisdiction

In its October 3, 2012, order granting in part and denying in part Defendants' motion for summary judgment, the Court concluded that the Individual Defendants were, as a matter of law, not acting under color of law when they engaged in the physical altercation at issue in the case. Accordingly, the Court granted summary judgment as to Plaintiffs' claims pursuant to 42 U.S.C. § 1983 as against the County of Los Angeles ("County"), Sheriff Leroy Baca ("Baca"), and Individual Defendants Hernan Noel Delgado ("Delgado") and Juan Navarro ("Navarro"), who were joined in the motion. The Court also granted summary judgment against the County, Sheriff Baca, Delgado, and Navaro as to Plaintiffs' fifth cause of action pursuant to California Civil Code § 52.1.

Given that the analysis for those claims is identical for the other Individual Defendants, the Court concludes that Plaintiffs have failed to raise a triable issue of fact on their first and fifth claims against all defendants—specifically, Individual Defendants Alfonso Andrade, Joseph Gonzalez, Jeffrey Rivera, Mauricio Rodriguez, and Jason Snyder. However, pursuant to Federal Rule of Civil Procedure 56(f), prior to granting summary judgment in favor of the parties not joined in the motion, the Court must give notice of its intent to do so. *See* Fed. R. Civ. P. 56(f) ("After giving notice and a reasonable time to respond, the court may: (1) grant summary judgment for a nonmovant."). Accordingly, the Court orders Plaintiffs to show cause no later than **October 24, 2012**, why the Court should not grant summary judgment as to Plaintiffs' first and fifth claims against all Individual Defendants.

Furthermore, because the Court concludes that summary judgment would be appropriate

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as to Plaintiffs' § 1983 claims against all Defendants, only causes of action arising under state law remain. Accordingly, the Court orders Plaintiffs to show cause no later than **October 24, 2012**, why the action should not be DISMISSED for lack of subject matter jurisdiction.

IT IS SO ORDERED.

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Initials of Deputy Clerk

cc: